

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re : Chapter 11

COLLISION & PAINT EXPERTS, INC. :

Debtor : Bankruptcy No. 05-18951F

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ORDER
.....

AND NOW, this 11th day of July 2005, the above-captioned debtor having filed a voluntary petition in bankruptcy under chapter 11 on June 30, 2005,

And it appears that the debtor purports to be a corporation,

And the corporation purports to have filed this chapter 11 case pro se,

And by virtue of federal law, e.g., 28 U.S.C. § 1654, courts have held that a corporation must appear in a federal court through counsel and may not appear pro se, see, e.g., Palazzo v. Gulf Oil Corp., 764 F.2d 1381 (11th Cir. 1985), reh'g denied, 775 F.2d 304 (11th Cir. 1985), cert. denied, 474 U.S. 1058 (1986); Simbraw, Inc. v. United States, 367 F.2d 373 (3d Cir. 1966); Turner v. American Bar Association, 407 F.Supp. 451, 476 (N.D. Tex 1975), aff'd, 539 F.2d 715 (7th Cir. 1976); In re Earle Industries, Inc., 67 B.R. 822 (Bankr. E.D. Pa. 1986); Fed. R. Bankr. P. 9010(a), Advisory Committee Note 1983 (“[t]his rule ... does not purport to change prior holdings prohibiting a corporation from appearing pro se”); see also United States v. Cocivera, 104 F.3d 566, 572 (3d Cir. 1996),

And, therefore, when a corporation files a bankruptcy petition without benefit of counsel, such a petition is defective and should be dismissed, accord In re

Bellerive Springs Bldg. Corp., 127 B.R. 219 (Bankr. E.D. Mo. 1991); In re 1433 Corp., 75 B.R. 55 (Bankr. S.D. Fla. 1987); see generally 11 U.S.C. § 1112(b),

And a hearing to show cause why this case should not be dismissed was held on July 11, 2005 at 9:30 A.M. in Bankruptcy Courtroom #2, 900 Market Street, Philadelphia, PA. This hearing was to afford the debtor the opportunity to obtain counsel. Unfortunately, the debtor did not appear and the United States trustee, who was represented at the hearing, recommended dismissal of the case,

Accordingly, it is hereby ordered that this case is dismissed.



BRUCE FOX

United States Bankruptcy Judge

copies to:

debtor
United States trustee
Commonwealth of Pennsylvania, Dep't of Revenue
Internal Revenue Service